IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIAJOHN F BIG STONE GAP DIVISION BY:

DANNY R. GARDNER,)
Plaintiff,) Case No. 2:09CV00029
v.)) JUDGMENT
COMMISSIONER OF) By: James P. Jones
SOCIAL SECURITY,) Chief United States District Judge
)
Defendant.)

It appearing that no objections have been timely filed to the Report filed April 27, 2010, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

- 1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
 - 2. The motions for summary judgment by the parties are DENIED;
- 3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
 - 4. The clerk will close this case.

ENTER: May 24, 2010

Chief United States District Judge